

REMARKS

I. Claim Amendments

Claims 1-5 are presently pending and claims 6-17 are withdrawn. With this response, claims 1, 2, 4 and 6 are amended and claim 18 is new. Support for new claim 18 is found in claim 1 and withdrawn claim 6.

II. 35 USC 112, second paragraph

The Examiner contends that claim 2 is rejected under 35 USC 112, second paragraph for being indefinite in that "commonly vegetable oils" is confusing. In reply, the Applicants have amended claim 2 to recite "commonly used vegetable oils".

III. 35 USC 102(b) and 102(e)

The Examiner contends that claims 1-5 are rejected under 35 USC 102(b) and (e) as being anticipated by any one of Ojima et al., Purdy et al., or JP 62-172-86. The Applicants respectfully traverse this rejection as follows.

Ojima et al.

The Applicants submit that Ojima et al disclose a method for improving the thermal stability of sucralose. The Examiner contends it is expected that the sesame extract of Ojima et al would possess the same composition as in the presently claimed composition.

The Applicants disagree and submit that as amended herein, claim 1 recites a composition "*...consisting essentially of 5-20% lignan containing sesamol 10-16%; sesamin 60-75%; sesamolin 5-8.8%, and balance being tocopherols, polyphenols/ferulic acid, denatured proteins, sugars, lipids, minerals and browning products*". The Applicants submit that Ojima et al do not disclose a composition of only the claimed ingredients. The Applicants submit that the claimed composition and its ingredients allow for its use in preserving food.

Purdy et al.

The Applicants submit that Purdy et al disclose a process for the extraction of sesame from sesame oil. The Examiner contends that it is expected that the sesame extract of Purdy et al would possess the same composition as in the presently claimed composition.

The Applicants disagree and submit that as amended herein, claim 1 recites a

composition "...consisting essentially of 5-20% lignan containing sesamol 10-16%; sesamin 60-75%; sesamolin 5-8.8%, and balance being tocopherols, polyphenols/ferulic acid, denatured proteins, sugars, lipids, minerals and browning products". The Applicants submit that Purdy et al do not disclose a composition of only the claimed ingredients. The Applicants submit that the claimed composition and its ingredients allow for its use in preserving food.

JP 62-172086

The Applicants submit that JP 62-172086 discloses a sesame extract for use as an antioxidant, but JP 62-172086 does not disclose a composition of only the claimed ingredients with the claimed amounts. That is, JP 62-172086 does not disclose a composition "...consisting essentially of 5-20% lignan containing sesamol 10-16%; sesamin 60-75%; sesamolin 5-8.8%, and balance being tocopherols, polyphenols/ferulic acid, denatured proteins, sugars, lipids, minerals and browning products".

With respect to the amendment of "consisting essentially of" in claim 1, the Applicants respectfully note that in paragraph [009] of the present application, it is acknowledged that sesame extracts have been disclosed in the art, but that a sesame extract for effective preservation of food has not been disclosed as in the present application. Accordingly, additional ingredients are excluded by the proposed limitation (see MPEP 2111.03).

In view of the above, the Applicants respectfully submit that claims 1-5 are not anticipated by Ojima et al, Purdy et al or JP 62-172086.

IV. 35 USC 103(a)

Claims 1-5 stand rejected under 35 USC 103(a) as being unpatentable over JP 62-172086. The Examiner contends that JP 62-172086 pertains to an extract of a sesame oil cake for use as an antioxidant product, and that it would have been well within the purview of a skilled artisan to have determined the particular lignan content and profile. The Applicants respectfully disagree.

As stated in MPEP 2144.05 B, "*Only result-effective variables can be optimized*". In view of *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977), the prior art, (JP 62-172086) did not recognize all the ingredients and the amount of ingredients as recited in claim 1 for providing an antioxidant composition that can effectively preserve food.

In view of the above, Applicants respectfully submit that claims 1-5 are patentable in view of JP 62-172086.

V. Conclusion

The Applicants have complied with each and every requirement in the pending Office Action, and request allowance of the pending claims. All amendments and remarks herein are made without prejudice.

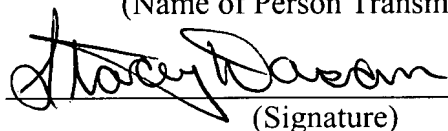
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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on


August 6, 2007
(Date of Transmission)

Stacey Dawson
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(Signature)

8-6-07
(Date)

Respectfully submitted,


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